

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 15-516V

Filed: September 19, 2016

BETH BRITT,

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UNPUBLISHED

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Special Master Hamilton-Fieldman

Petitioner,

*

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v.

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Attorneys' Fees and Costs;

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Reasonable Amount Requested

SECRETARY OF HEALTH

*

to which Respondent Does Not

AND HUMAN SERVICES,

*

Object.

*

Respondent.

*

Diana S. Sedar, Maglio Christopher & Toale, PA, Sarasota, FL, for Petitioner.

Alexis B. Babcock, United States Department of Justice, Washington, DC, for Respondent.

DECISION¹

On May 19, 2015, Beth Britt ("Petitioner") petitioned for compensation under the National Childhood Vaccine Injury Act of 1986, 42 U.S.C. §§ 300aa-1 to -34 (2012). Petitioner alleged that the administration of a Tetanus-Diphtheria-acellular-Pertussis vaccine on August 14, 2012 caused her to suffer from transverse myelitis. On June 29, 2016, the undersigned issued a decision dismissing the petition for insufficient proof, as Petitioner was unable to prove entitlement to compensation.

¹ Because this decision contains a reasoned explanation for the undersigned's action in this case, the undersigned intends to post this ruling on the website of the United States Court of Federal Claims, in accordance with the purposes espoused in the E-Government Act of 2002. See 44 U.S.C. § 3501 (2012). Each party has 14 days within which to request redaction "of any information furnished by that party: (1) that is a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b).

On September 19, 2016, Petitioner filed an unopposed application for attorneys' fees and costs. Petitioner requests compensation in the amount of \$25,000.00 for attorneys' fees and costs, and \$68.75 for costs Petitioner personally incurred. "Respondent does not object to the reimbursement of Petitioner's above case costs and payment of Petitioner's above attorneys' fees." Petitioner's Application at ¶ 5, filed Sept. 19, 2016.

In accordance with the Vaccine Act, 42 U.S.C. § 300aa-15(e) (2012), the undersigned finds that Petitioner's request for fees and costs is reasonable. **Accordingly, the undersigned hereby awards the amount of \$25,000.00, in the form of a check made payable jointly to Petitioner and Petitioner's counsel, Diana S. Sedar, of Maglio Christopher & Toale; and awards an amount of \$68.75, in the form of a check payable to petitioner only.** In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court shall enter judgment in accordance herewith.²

IT IS SO ORDERED.

/s/Lisa D. Hamilton-Fieldman
Lisa D. Hamilton-Fieldman
Special Master

² Entry of judgment can be expedited by each party's filing of a notice renouncing the right to seek review. Vaccine Rule 11(a).